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**Date:** Thursday, August 25, 2005  
**To:** Commissioner for Patents  
United States Patent and Trademark Office  
**Facsimile No.** 1-571-273-8300  
**From:** Gary R. Fabian, Reg. No. 33,875  
**Re:** Serial No. 09/410,462 (Onyx Ref. 1046/O.US)  
**Message:** Transmitted herewith for filing in the above-referenced application  
are the following documents:

1. Transmittal;
2. Pre-Appeal Brief Request For Review;
3. Reasons for Pre-Appeal Brief Request For Review (five pages);
4. One-Month Petition for Extension of Time;
5. Notice of Appeal; and
6. Certificates of Transmission by Facsimile.

**THE ATTACHED DOCUMENTS ARE TO BE**  
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**Total number of pages, including this cover sheet: 15 (Fifteen)**

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CENTRAL FAX CENTER****AUG 25 2005**Onyx Dkt No. 1046/O.US  
USSN: 09/410,462  
PATENT

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>	
I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, United States Patent and Trademark Office, (Fax No. 571-273-8300) on the date indicated.	
Signature <u>Gary R. Fein</u>	Date of Transmittal <u>25 Aug 2005</u>

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	
In Re Application of: Williams, A., et al.	Confirmation No. 6889
Serial No.: 09/410,462	Art Unit: 1635
Filing Date: 1 October 1999	Examiner: J.E. Angell
Title: A SINGLE AGENT METHOD FOR KILLING TUMOR AND TUMOR ASSOCIATED ENDOTHELIAL CELLS USING ADENOVIRAL MUTANTS	

**TRANSMITTAL**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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PATENT

The Notice of Appeal and Pre-Appeal Brief Request for Review accompanying this Transmittal are filed in response to the Advisory Action in the above-referenced application, mailed 25 July 2005. Because applicants filed their response to the Final rejection within two-months of the mailing date, the three-month shortened statutory period expired on the date of mailing of the Advisory Action, i.e., 25 July 2005. Accompanying these papers is a Petition for One-Month Extension of Time. Thus the due date for Notice of Appeal and Pre-Appeal Brief Request for Review is 25 August 2005. An authorization to pay for the Petition for One-Month Extension of Time (\$60.00 at small entity rate) accompanies this paper in the Petition for Extension of Time. Further, accompanying this response is a Notice of Appeal. An authorization to pay for the Notice of Appeal (\$250.00 at small entity rate) accompanies this paper in the Notice of Appeal. No additional fee is believed due; however, the Commissioner is hereby authorized to charge to Deposit Account No. 15-0615 any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, with the exception of the payment of the issue fee.

Respectfully submitted,

Dated: 25 Aug 2005

By: Gary R. Fabian  
Gary R. Fabian  
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Agent for Applicants

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